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APG

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Jay Stone
SERIAL NO.: 09/757,915
FILED: January 10, 2001
FOR: Gaming Device and Method

ART UNIT: 3714

EXAMINER: Rada, Alex P.

To: Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

NOTICE OF APPEAL

Applicant hereby appeals the final rejections in the above-identified case as set forth in the final Office Action dated October 23, 2002. More specifically, applicant hereby appeals the final rejections of claims 1, 3, 6-13, and 15-22.

With respect to page 2, paragraph 2, of the advisory action dated May 3, 2004, undersigned did not expect the Examiner to act as attorney in this case. Instead, the provisional notice takes into account the Examiner's failure to find patentable subject matter, something which the attorney can not predict, but can plan for. Undersigned has docketed the appeal brief from the Amendment as filed April 7, 2004.

Even though the Amendment authorized access to the Deposit Account for Noting the Appeal, it is believed that all fees due with respect to the filing of the appended Notice of Appeal are included herewith. However, should any additional fees be due with respect to this filing, it is respectfully requested that such fees be charged to undersigned's deposit account no. 11-1734, attorney docket number 30020-pa. A duplicate copy of this Notice of Appeal is enclosed.

Dated: May 10, 2004

Respectfully Submitted:

05/14/2004 AWONDAF1 00000039 09757915

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330.00 OP

BERNHARD KRETEN, Registration No.: 27,037
Applicant's Attorney, Telephone (916) 930-9700



CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)


Applicant: Jay Stone
Serial No.: 09/757,915
Filed: January 10, 2001
For: Gaming Device and Method
Paper: 1. Notice of Appeal (responsive to the Office Action dated May 3, 2004);
2. A Check in the Amount of \$330.00; and
3. A Return Receipt Card.

I hereby certify that the above identified correspondence, which is attached, is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

on May 10, 2004.

Heidi Hernandez

A handwritten signature in dark ink, appearing to read "Heidi Hernandez", written over a horizontal line.

(Signature)

May 10, 2004

(Date of Signature)